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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DISH NETWORK CORPORATION, As
Plan Administrator And On Behalf Of DISH
NETWORK CORPORATION 401(K)
PLAN,

Plaintiff,

vs.

ROY LOHRENGEL, and DEBORAH
POMPA

Defendants

DEBRA JEAN POMPA,

Cross-claim Plaintiff,

vs.

ROY LOHRENGEL,

Cross-claim Defendant.

Case No.: 2:17-cv-01601-KJD-CWH

**STIPULATION AND ORDER TO
EXTEND DISCOVERY
DEADLINES**

(FIRST REQUEST)

Defendant/Cross-Claim Plaintiff/Cross-Claim Defendant DEBRA JEAN POMPA
("Pompa"); Defendant/Cross-Claim Plaintiff/Cross-Claim Defendant ROY LOHRENGEL
("Lohrengel"); and Plaintiff DISH NETWORK CORPORATION, As Plan Administrator
And On Behalf Of DISH NETWORK CORPORATION 401(K) PLAN ("Plaintiff"), by

1 and through their respective undersigned counsel of record, hereby stipulate and request that the
2 Court extend certain discovery deadlines by approximately ninety (90) days. This is the first
3 request by any party to extend any discovery deadlines in this matter.

4 Pursuant to Local Rule 26-4, the parties state as follows:

5 **I. DISCOVERY COMPLETED TO DATE**

- 6 • The parties conducted the Fed. R. Civ. P. 26(f) conference.
- 7 • Plaintiff and Pompa have served their initial disclosures of documents and lists of
8 witnesses. Lohrengel has not served his initial disclosures but has agreed to do so
9 by November 30, 2017.
- 10 • Pompa has served the following written discovery on Lohrengel:
 - 11 ○ Pompa's First Set of Interrogatories, served on November 17, 2017.
12 Responses are due December 20, 2017.
 - 13 ○ Pompa's First Requests for Production of Documents, served on November
14 17, 2017. Responses are due December 20, 2017.
- 15 • Pompa has served the following written discovery on Plaintiff:
 - 16 ○ Pompa's First Set of Interrogatories, served on November 17, 2017.
17 Responses are due December 20, 2017.
 - 18 ○ Pompa's First Requests for Production of Documents, served on November
19 17, 2017. Responses are due December 20, 2017.

20 **II. DISCOVERY TO BE COMPLETED**

- 21 • Deposition(s) of Rule 30(b)(6) designee(s) of Plaintiff.
- 22 • Deposition(s) of Roy Lohrengel.
- 23 • Deposition(s) of Debra Jean Pompa.
- 24 • Deposition of additional non-party fact witnesses.
- 25 • Disclosure of expert witnesses and rebuttal.
- 26 • Depositions of expert witnesses.

27 The above list is made without prejudice to the Parties' ability to conduct additional
28 discovery or to object to such discovery consistent with the Federal Rules of Civil Procedure.

III. REASONS WHY DISCOVERY CANNOT BE COMPLETED WITHIN THE CURRENT SCHEDULE

This case involves allegations involving the physical and mental condition of Larry Lohrengel at the time he made changes to his 401k beneficiary to designate Pompa. Lohrengel, who is Larry Lohrengel's father, has alleged in his Cross-Claim that the beneficiary designation was changed by Pompa without Larry Lohrengel's knowledge or consent at a time when he was allegedly physically unable to make any changes via computer regarding the distribution of his 401k benefits. Pompa denies these allegations and alleges in her Cross-Claim that Larry Lohrengel was able, coherent, competent, and actually made the changes himself. During a recent telephone conference between Pompa's and Lohrengel's counsel, Lohrengel's counsel informed Pompa's counsel that she would be relying on medical records that she had not yet sought or obtained in connection with Lohrengel's allegations. Pompa, of course, may also need these medical records in defense and in connection with her own Cross-claim.

Because Larry Lohrengel is deceased, it will be necessary to obtain an order from the Nevada probate court in order to obtain medical records. Once medical records are obtained, they will need to be reviewed by counsel and by the parties' respective experts. Given that the expert disclosure deadline in this case is currently set for December 21, 2017, it is necessary to extend the expert disclosure deadline and all other discovery deadlines in order for the parties to have sufficient time to obtain the required order from the Nevada probate court and review the records with their respective experts, if necessary.

The parties agree that this extension is not made for the purposes of delay, but to allow additional time for the obtaining and review of medical records, which requires an order from the Nevada probate court, and for the parties to complete fact discovery, as necessary, before disclosing experts to ensure a just adjudication of the case on the merits, and that none of them will be prejudiced by an extension.

IV. PROPOSED SCHEDULE

WHEREFORE, the parties respectfully request that this Court extend discovery deadlines as follows:

| EVENT | CURRENT DEADLINE | PROPOSED DEADLINE |
|--------------------------------|-------------------|--|
| Add Parties/Amend Pleadings | November 21, 2017 | No Extension Requested |
| Designate Expert Witness(es) | December 21, 2017 | March 22, 2018 |
| File Interim Status Report | December 21, 2017 | March 22, 2018 |
| Designate Rebuttal Witness(es) | January 22, 2018 | April 23, 2018 |
| Close of Discovery | February 19, 2018 | May 21, 2018 |
| File Dispositive Motions | March 21, 2018 | June 20, 2018 |
| Joint Pretrial Order | April 20, 2018 | July 20, 2018 *In the event dispositive motions are filed, the date for filing the Joint Pretrial Order shall be suspended until 30 days after the decision of the dispositive motions or further order of Court. |

Dated: November 29, 2017.

Dated November 29, 2017.

BOWLER DIXON & TWITCHELL LLP

JACKSON LEWIS P.C.

/s/ Andrew F. Dixon

/s/ Mahna Pourshaban

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Dated: November 29, 2017.

/s/ Ann E. Kolber

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ORDER

IT IS SO ORDERED.

DATED December 1, 2017


UNITED STATES MAGISTRATE JUDGE